

PATENT
Reissue
Serial No: 10/811,795
Docket No. A042 P00993-US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: SWAN, Richard E.)
Serial No: 10/811,795)
Filed: March 29, 2004)
Title: MODULAR SLEEVE)
Docket No: A042 P00993-US1)

SECOND SUPPLEMENTAL REISSUE DECLARATION BY THE INVENTOR

I HEREBY DECLARE THAT:

Each inventor's residence, mailing address and citizenship are stated below next to their name.

I believe the inventor named below to be the original and first inventor of the subject matter, which is described and claimed in U.S. Patent No. 6,490,822, granted December 10, 2002 and for which a reissue patent is sought on the invention entitled MODULAR SLEEVE, the specification of which was filed on March 29, 2004 as Reissue Application No. 10/811,795, and is amended concurrently herewith.

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37 CFR 1.56.

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I verily believe the original patent to be wholly or partly inoperative by reason of the patentee claiming less than he had the right to claim in the patent.

At least one error upon which reissue is based is described below:

1) The Applicant's attorney failed to appreciate the full scope of the invention. Claim 1 is directed to a modular sleeve for attaching modular enhancements to a firearm, reciting a universal receiver sleeve, an upper handguard, and a lower handguard. The invention lies, at least in part, in the unique arrangement of the receiver sleeve and the upper handguard as well as the arrangement of secondary dovetail interface elements on the outer surfaces of both the upper and lower handguard pieces. However, each of the claimed elements is described with narrow specificity and includes details entirely unrelated and unnecessary to define the underlying invention. Failing to appreciate the full scope of the invention the Applicant's attorney too narrowly defined the universal receiver sleeve, the upper handguard, the lower handguard and the external dovetail interface elements. By including overly narrow limitations in the claimed elements in the independent claim, all of the claims are rendered wholly or partially inoperative for protecting the full scope of the invention.

2) Claims 5, 6, 7, 8, 11, 16 and 17 each claimed dependency from the immediately preceding claim, and unnecessarily limited dependent claim coverage extending from claim 1 or other earlier intervening claims.

3) New claim 19 was entered to protect the basic arrangement of the receiver sleeve and handguard depending from the receiver sleeve. Claim 19 as currently amended now accurately reflects the proper scope of protection.

4) Claim 20 was entered as a dependent claim to protect the arrangement of the receiver sleeve and at least a portion of the handguard being integrated into a single piece. Claim 20 as currently amended in independent form retains the original intent of dependent claim 20.

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5) New claim 55 was previously entered to protect the sub-combination of a receiver sleeve and a side dovetail interface. Applicant's prior counsel failed to recognize the importance of this feature and failed to direct any claims to this subject matter. Applicant acknowledges that this subject matter is subject to a restriction requirement, and acknowledges that claim 55 is being deleted from the application in the current amendment subject to the filing of a divisional reissue application.

All errors corrected in this reissue application, including the current amendments, arose without any deceptive intention on the part of the applicant.

Please direct all communications about the application to the address associated with Customer No. 03017.

I hereby declare that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine imprisonment, or both, under 18 USC 1001, and that such willful false statements may jeopardize that validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.



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